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EXAMINER

TAKELE, MESEKER

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,676	<b>Applicant(s)</b> UNDASAN, RENALDO V.	
	<b>Examiner</b> Meseker Takele	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/19/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 objected to because of the following informalities:

“positioning (104)” should be “positioning”. Appropriate correction is required.

“co-located (106)” should be “co-located”. Appropriate correction is required.

“determining (108)” should be “determining”. Appropriate correction is required.

“translating (110)” should be “translating”. Appropriate correction is required.

“repositioning (112)” should be “repositioning”. Appropriate correction is required.

“ceasing (114)” should be “ceasing”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically a computer software product. Computer programs are not physical "things," nor are they statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention, which permit the computer program's functionality to be realized. In contrast, a claimed computer - readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory. See MPEP §2106 Section IV.B.1(a).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ording (US Pub No.: 2002/0089505) in view of Henderson et al. (US Patent No.: 5,935,192) and in further in view of Van Der Haar et al. (US Patent No.: 6,157,367) and M. N. et al. (US Patent No.: 7,165,225).

As to claim 1, Ording discloses a method of translating an object within a GUI display (example, method of moving objects within graphical user interface see, abstract) the display comprising a first object and a second object, (example, computer display to show each window see, paragraph [0011]) the method comprising the steps of:

a) positioning (104) the first object relative to the second object (example, information relating to first and second on-screen positions of a window see, paragraph [0011]), such that a first pre-defined coordinate position associated with the first object is substantially co-located (106) (example, FIG. 2A, location information defining a first window position 210 see paragraph [0027]) with a second pre-defined coordinate position associated with the second object (example, location information defining a second window position 220, see paragraph [0027] and [0028]).

b) determining (108) a path for translation (example, determine the instantaneous position of the object during movement, path of movement, see paragraph [0055] and [0057]).

c) translating (110) the first object and the second object according to the determined path such that the first object remains substantially co-located with the second object during the translation (example, Figure 2A and 2C, see paragraph [0046]).

d) repositioning (112) the first object relative to the second object (example, repositioning, see [0010]) and

e) ceasing (114) the translation (example, the object appears to first accelerate and then decelerate over the total range of its motion see paragraph [0056]).

However Ording does not specifically disclose pre-defined coordinate position.

Henderson from the same field of endeavor discloses pre-defined coordinate position. (examples, position coordinates, see col., 2 line, 57 and predefined coordinates, see col., 3 line, 43).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Henderson predefined coordinates. The motivation to combine to provide a method, the step of assigning a data object to each defined section. Each data object includes a set of predefined coordinates. The set of predefined coordinates represents a corresponding defined section.

As to claim 2, Ording does not disclose wherein a plurality of pre-defined coordinate positions is associated with the second object, which coordinate positions comprise a boundary of the second object.

Henderson from the same field of endeavor discloses wherein a plurality of predefined coordinate positions is associated with the second object, which coordinate positions comprise a boundary of the second object (example, plurality of data objects, each data object represents a defined section of the work site and is represented by a set of predefined coordinates, see abstract).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Henderson a set of predefined coordinates. The motivation to combine to provide a method, the step of assigning a data object to each defined section. Each data object includes a set of predefined coordinates. The set of predefined coordinates represents a corresponding defined section.

As to claim 3, Ording does not disclose wherein the boundary encompasses a context sensitive area of the second object.

Van Der Haar from the same field of endeavor discloses wherein the boundary encompasses a context sensitive area of the second object (see Figure 4).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Van Der Haar field bounded by circle. The motivation to combine to provide for generating a user interface providing enhanced functionality to the user through improvements to the form and function of an icon manipulating cursor generated as part of the interface such as to reduce the workload to the user over a period of icon handling operations.

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As to claim 4, Ording discloses wherein the second object is one of a plurality of objects, which objects are associated such that they are translated as a single object (see Paragraph [0004]).

As to claim 5, Ording does not disclose wherein the first object comprises data, which data is at least partly used to determine the path for translation.

Henderson from the same field of endeavor discloses wherein the first object comprises data, which data is at least partly used to determine the path for translation (see, col., 3 lines, 40-44).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Henderson data. The motivation to combine to provide a method, the step of assigning a data object to each defined section. Each data object includes a set of predefined coordinates. The set of predefined coordinates represents a corresponding defined section.

As to claim 6, Ording does not disclose wherein the first object comprises an orientatable graphical symbol, the orientation of which is at least partly used to determine the path for translation.

Van Der Haar from the same field of endeavor discloses wherein the first object comprises an orientatable graphical symbol, the orientation of which is at least partly used to determine the path for translation (See, col., 5 lines, 15-25 and Figure 2).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Van Der Haar graphical symbol. The motivation to combine to provide to provide for

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generating a user interface providing enhanced functionality to the user through improvements to the form and function of an icon manipulating cursor generated as part of the interface such as to reduce the workload to the user over a period of icon handling operations. As to claim 7 Ording does not does not disclose wherein a pre-defined rule is at least partly used to determine the path for translation.

As to claim 7, Ording does not disclose wherein a pre-defined rule is at least partly used to determine the path for translation.

Henderson from the same field of endeavor discloses defined section of the work site. (see col., 3 line, 43).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Henderson defined section of the work site.

The motivation to combine to provide a method, the step of assigning a data object to each defined section. Each data object includes a set of predefined coordinates. The set of predefined coordinates represents a corresponding defined section.

As to claim 8, Ording discloses wherein the path for translation is determined to be a line comprising a reference coordinate of the second object and the second pre-defined coordinate position associated with the second object (see Figure 2, paragraph [0055] and [0057]).

Ording does not specifically does not disclose pre-defined coordinate position.

Henderson from the same field of endeavor discloses pre-defined coordinate position. (example, reference point are determined, position coordinates, see col., 2 lines, 50-57 and predefined coordinates, see col., 3 line, 43).



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It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Henderson predefined coordinates. The motivation to combine to provide a method, the step of assigning a data object to each defined section. Each data object includes a set of predefined coordinates. The set of predefined coordinates represents a corresponding defined section.

As to claim 9, Ording disclose wherein the path for translation includes a reference coordinate of the second object (example, determine the instantaneous position of the object during movement, path of movement, see paragraph [0055] and [0057]).

However Ording does not specifically disclose reference coordinate.

Henderson from the same field of endeavor discloses reference coordinate. (example, reference point are determined, position coordinates, see col., 2 lines, 50-57 and predefined coordinates, see col., 3 line, 43).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Henderson predefined coordinates. The motivation to combine to provide a method, the step of assigning a data object to each defined section. Each data object includes a set of predefined coordinates. The set of predefined coordinates represents a corresponding defined section.

As to claim 10, Ording does not disclose wherein the reference coordinate of the second object is the origin of the second object as defined in accordance with the Windows.RTM. GUI.

M. N. Kishore from the same field of endeavor discloses Windows.RTM. (see, col., 4 line, 38).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Henderson predefined coordinates.

The motivation to combine to provide new hit testing and/or other procedures that operate in a more efficient manner and/or lessen the demand placed on an operating system and/or a framework.

As to claim 11, Ording discloses a record carrier comprising software operable to carry out the method of any of the claims 1 to 10 (see, paragraph [0002] and [0054]).

As to claim 12, Ording discloses a software utility configured for carrying out the method steps as claimed in any of the claims 1 to 10 (see abstract).

As to claim 13, Ording discloses a computer apparatus including a data processor, said data processor being directed in its operations by a software utility as claimed in claim 12 (see, paragraph [0002] and [0024]).

As to claim 14, Ording discloses an apparatus arranged to generate a GUI display and supporting user-directed movement of objects in the GUI display (example, method of moving objects within graphical user interface see, abstract), the apparatus comprising:

- a) a user-operated pointing device operable to output position data (see paragraph [0044]);
- b) an input port operable to receive position data from the user-operated pointing device (see, paragraph [0024]);
- c) a display (see paragraph [0024]); and

d) a data processing unit comprising a CPU and storage for program and data (see paragraph [0024]);

the input port, display and data processing unit being interconnected by a data bus (see paragraph [0024]);

the data processing unit being operable:

I. to render a GUI on the display (see abstract);

II. to render a cursor icon within the GUI display; which cursor icon comprises a navigation object and a pointing object (see paragraph [0002] and;

III. to read and decode the position data (see paragraph [0024];

IV. to position the pointing object of the cursor icon in dependence on the position data (see paragraph [0011]); and

V. to translate the cursor icon along a path within the GUI display in dependence on the positioning of the pointing object relative to the navigation object (see Figure 2).

As to claim 15, Ording discloses a location object, operable to indicate the present coordinate position of the cursor icon in relation to the GUI display (see Paragraph [0027]).

However Ording does not specifically disclose coordinate position.

Henderson from the same field of endeavor discloses pre-defined coordinate position. (examples, position coordinates, see, col., 2 line, 57).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Henderson coordinate position.

The motivation to combine to provide a method, the step of assigning a data object to each defined section. Each data object includes a set of predefined coordinates. The set of predefined coordinates represents a corresponding defined section.

As to claim 16, Ording disclose at least one selection object, which object is operable to emulate a pre-defined function recognizable by a context sensitive area of a GUI application (See Figure 2)

However Ording does not disclose wherein, when the cursor icon is positioned over the context sensitive area as indicated by the location object, the pointing object is operable to be positioned over the selection object to invoke the pre-defined function.

Van Der Haar from the same field of endeavor discloses wherein, when the cursor icon is positioned over the context sensitive area as indicated by the location object, the pointing object is operable to be positioned over the selection object to invoke the pre-defined function (see col., 1 lines, 26-48 and Figure 4).

It would have been obvious to one of ordinary skill in the art to have modified Ording positioning (104) at the time of the invention was made with incorporating Van Der Haar various system functions.

The motivation to combine to provide for generating a user interface providing enhanced functionality to the user through improvements to the form and function of an icon manipulating cursor generated as part of the interface such as to reduce the workload to the user over a period of icon handling operations.

As to claim 17, Ording discloses a method of translating an object within a GUI display substantially as hereinbefore described and with reference to the accompanying drawings (see, abstract, paragraph [0002] and [0013]).

As to claim 18, Ording discloses an apparatus arranged to generate a GUI display and supporting user-directed movement of objects in the GUI display substantially as hereinbefore described and with reference to the accompanying drawings (see, paragraph [0002] and [0013]).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bingham (US Patent No.: 5,657,463) is cited to teach Method and apparatus for positioning a new window on a display screen based on an arrangement of previously created windows.

Bates et al. (US Patent No.: 5,777,616) is cited to teach Data processing system and method for invoking a function of a multifunction icon in a graphical user interface.

Michelman et al. (US Patent No.: (6,907,580) is cited to teach Selection paradigm for displayed user interface.

Fitzpatrick et al. (US Patent No.: 6,877,138) is cited to teach Transferring properties between computer objects.

Conrad et al. (US Patent No.: 6,928,621) is cited to teach System with graphical user interface including automatic enclosures.

Bailey (US Patent No.: 6,961,907) is cited to teach "Append" extension to cut and copy commands for a clipboard function in a computer system.

Impas et al.: (US Patent No.: 6,971,071) is cited to teach System and method for implementing an image ancillary to a cursor.

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Elber et al. (US Patent No.: 7,043,695) is cited to teach Object positioning and display in virtual environments.

Kodosky et al. (US Patent No.: 7,134,090) is cited to teach Graphical association of program icons.


Baudisch et al. (US PUB No.: 2005/0240877) is cited to teach System and method for aligning objects using non-linear pointer movement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meseker Takele whose telephone number is (571) 270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT

  
SY LUU  
PRIMARY EXAMINER

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